

show a two-party contract between the city and developer and no third party is included thereunder as a third-party beneficiary.

Therefore, the adjoining property owners cannot force the city to complete the installation of the public improvements. The city may, however, on its own volition proceed against the bond and may obtain a deficiency decree against the developer for the cost of completing the public improvements agreed upon.

073-456—December 10, 1973

RESIGN-TO-RUN LAW

**APPLICABILITY TO UNPAID COMMISSIONER OF
HOUSING AUTHORITY**

To: Vernon W. Turner, City Attorney, Homestead

Prepared by: Michael Parrish, Assistant Attorney General

QUESTION:

Is a commissioner of the Homestead Housing Authority required by §99.012, F. S., to resign as such commissioner in order to qualify as a candidate for the office of city councilman of the City of Homestead?

SUMMARY:

A commissioner of a housing authority, being appointed to office and serving without salary, is within the exception to the Resign-to-Run Law created by §99.012(5), F. S.

The Resign-to-Run Law (§99.012, F. S.) contains an exception which exempts a person "who serves as a member of any appointive board or authority *without salary*" from the resignation requirements of that section. (Emphasis supplied.) See §99.012(5), *id.* As you note in your letter, under §421.05(1), F. S., a commissioner of a housing authority "shall receive no compensation for his services." Such a commissioner, who under §421.05(1) is appointed by the mayor, is clearly within the above-mentioned exception to the Resign-to-Run Law. Accordingly, the failure of such a commissioner to resign presents no obstacle to his qualification as a candidate for the office of city councilman.

073-457—December 10, 1973

GAME AND FRESH WATER FISH COMMISSION

**FEES FOR ARREST AND CONVEYANCE OF
PRISONERS—COLLECTION**

To: Sal Geraci, Clerk, Circuit Court, Fort Myers

Prepared by: Michael M. Parrish, Assistant Attorney General

QUESTIONS:

1. Are the Game and Fresh Water Fish Commission and its conservation officers entitled to receive fees for arrests made between July 5, 1963 and August 1, 1970?
2. Are there any time limitations on an action to recover such fees?

SUMMARY:

Under §372.72, F. S., as amended by Ch. 70-370, Laws of Florida,